IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5240 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
JANUARY 22, 2007.

Heard Shri Ghare, learned counsel for the petitioners and Shri Joshi, learned counsel for the respondent.

The respondent has not entered witness box and the petitioner has produced before the Executing Court documents to substantiate his stand that the petitioner owns some immovable property. On the basis of this evidence, on 3.9.2005, the Court below has ordered Civil imprisonment of the petitioner under Order 21, Rule 38 read with Order 21, Rule 29 of Civil Procedure Code.

Shri Ghare, learned counsel argues that for the inability of the petitioner to pay amount, he could not have been sent to civil imprisonment. Shri Joshi points out that after relying upon evidence, this order has been passed.

From the discussion above, it is apparent that there was material on record in this respect and after relying upon it, order of civil imprisonment has been passed. No case is made out for interference in writ jurisdiction. Writ Petition is dismissed. No order as to costs.

JUDGE

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